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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,644

08/27/2003

Robert Aarts

059864.01569

3885

32294

7590

08/20/2009

SQUIRE, SANDERS & DEMPSEY L.L.P.
8000 TOWERS CRESCENT DRIVE
14TH FLOOR
VIENNA, VA 22182-6212

EXAMINER

KIM, JUNG W

ART UNIT

PAPER NUMBER

2432

MAIL DATE

DELIVERY MODE

08/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/648,644	Applicant(s) AARTS ET AL.	
	Examiner JUNG KIM	Art Unit 2432	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-4, 7-22 and 25-28.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Jung Kim/
 Primary Examiner, AU 2432

Continuation of 7: the rejections in the final office action mailed on 4/1/09 are applicable to the amended claims.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that 1) the prior art does not disclose the limitation "sending a response to the service provider indicating whether the data can be released" and 2) the prior art does not disclose sending the response "based on the comparison of the strictness level parameter values associated with attributes in the usage policy to corresponding attributes of the privacy policy." These arguments are essentially similar to the arguments provided in the Amendment filed on 1/2/09, hence the response to the arguments in the Office action filed on 4/1/09 are directly applicable and are incorporated herein. With respect to applicant's first argument, the limitation "sending a response to the service provider indicating whether the data can be released" is broad enough to be anticipated by a prior art invention where the data is released to a service provider, i.e. the release of the data is a clear indication that the data can be released. As outlined in the rejections of the final action, the prior art discloses such a feature. With respect to applicant's second argument, applicant rationalizes that the P3P protocol, which is utilized by the prior art, does not anticipate the strictness level parameter values defined in the claimed invention. See pgs. 18-20 and 23-24 of Applicant's Remarks. However, as outlined in paragraphs 5 and 8 of the final rejection mailed on 4/1/09, P3P defines several predefined statements which define strictness level parameters under the categories purpose, retention and recipient. For example, under the retention category, P3P defines the following elements ordered from most strict to least strict: "no-retention", "stated-purpose", "legal-requirements", "business-practices" and "indefinitely"; under the recipient category, P3P defines the following elements ordered from most strict to least strict: "ours", "delivery", "same", "other-recipient", "unrelated" and "public". Applicant does not provide any argument that such features of P3P are not strictness level parameter values. Furthermore, the prior art discloses using a comparator to compare the privacy policy to the privacy preference to determine whether to send the personal information. Hence these features of the prior art anticipate the aforementioned limitations, and the claims remain rejected under the prior art of record.